

**IN THE UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA
GREENVILLE DIVISION**

Dwight H. Smith and The Smith Insurance Agency, Inc.,

C/A#:

Plaintiffs,

vs.

Navigators Insurance Company,

Defendant.

NOTICE OF REMOVAL

Defendant Navigators Insurance Company, pursuant to 28 U.S.C. § 1446, hereby files its Notice of Removal of the above-captioned case from the Court of Common Pleas for Greenville County, South Carolina, to the United States District Court for the District of South Carolina, Greenville Division. The grounds for the removal are as follows:

1. A civil action is now pending in the Court of Common Pleas for Greenville County, South Carolina, bearing the case name as captioned above with Docket No. 2019CP2300335, filed on January 22, 2019.
2. Defendant Navigators Insurance Company was served with a copy of the Summons and Complaint in this action on February 5, 2019. Defendant Navigators Insurance Company has not filed a response in the Court of Common Pleas for Greenville County, South Carolina. A copy of all state court papers, excluding other discovery matters, is attached as Exhibit A.
3. Upon information and belief, Plaintiff Dwight H. Smith was, at the time of the commencement of this action, and still is a resident and citizen of the State of South Carolina, as alleged in his Complaint.

4. Upon information and belief, Plaintiff The Smith Insurance Agency, Inc. was, at the time of the commencement of this action, and still is a corporation organized and existing under the laws of the State of South Carolina, and does business in Greenville County, as alleged in its Complaint.

4. At the time of the commencement of this action, and at this time, Defendant was and is a corporation organized and existing under the laws of the State of New York, having its principal place of business in New York, New York.

5. This action is one of a civil nature, seeking money damages for alleged breach of contract and bad faith.

6. Plaintiffs contend that the amount in controversy, exclusive of interests and costs, exceeds the sum of Seventy-Five Thousand and No/100 (\$75,000.00) Dollars, and, therefore, meets the amount in controversy requirement for diversity jurisdiction.

7. Defendant desires to remove this action to this Court and, therefore, files this Notice along with attachments pursuant to 28 U.S.C. § 1441, *et seq.*, and this Court has jurisdiction pursuant to 28 U.S.C. § 1332.

8. Defendant removes this action within thirty (30) days from the date of receipt of the Summons and Complaint.

9. Defendant Navigators Insurance Company removes this matter pursuant to 28 U.S.C. § 1332 because the action brought by Plaintiffs against Defendant is a suit of a civil nature, the character of which the District Courts of the United States are given original diversity jurisdiction under 28 U.S.C. § 1332, and is one that may be removed to this Court by Defendant pursuant to 28 U.S.C. §1441.

10. In accordance with 28 U.S.C. § 1446(d), Defendant has served written notice of the filing of this Notice of Removal to Plaintiffs' counsel by mail on this date, and Defendant has also electronically filed a copy of this Notice of Removal with the Clerk of Greenville County Court of Common Pleas, where this action is currently pending.

WHEREFORE, Defendant Navigators Insurance Company prays that the above-entitled case be removed to the United States District Court for the District of South Carolina, Greenville Division, pursuant to 28 U.S.C. §1441 *et seq.* If any question should arise regarding the propriety of the removal of this action, Defendant Navigators Insurance Company respectfully requests the opportunity to brief fully the legal issues through supporting memoranda, as well as oral argument, in support of its position that the case is removable, as well as conduct discovery on the subject matter, if necessary.

GALLIVAN, WHITE & BOYD, P.A.

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